

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240004205

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the service period ending 25 June 1970, to reflect he was awarded the Combat Action Badge.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending 25 June 1970

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he is requesting issuance of the Combat Action Badge. He served in Vietnam from 29 June 1969 to 18 June 1970. While assigned to the 41st Signal Battalion, he took fire from enemy Soldiers. Mortars were launched while he was conducting roadside repair of communication wires, on guard duty of the water station tower, and while conducting routine work on the Vietcong controlled relay stations. They were "sitting ducks" handling communication with equipment checks while going on roadside missions to repair telephones off base.
3. A review of the applicant's available service record reflects the following:
 - a. On 24 May 1968, he accepted commission in the Regular Army and executed an oath of office.
 - b. A DA Form 66 (Officer Qualification Record) shows he served in Vietnam from 28 June 1969 to 22 June 1970. Block 21 (Awards and Decorations) shows the following:
 - National Defense Service Medal

- Vietnam Service Medal
- Army Commendation Medal
- Republic of Vietnam Campaign Medal with 60 Device
- Bronze Star Medal

c. General Orders Number 393 dated 12 February 1970 shows he was awarded the Army Commendation Medal for meritorious service in Vietnam from 1 July 1969 to 31 December 1969.

d. General Orders Number 1377 dated 4 June 1970 shows he was awarded the Bronze Star Medal for meritorious service in connection with military operations against a hostile force while in the Republic of Vietnam from 4 July 1969 to 29 May 1970.

e. DD Form 214, ending 25 June 1970 reflects honorable discharge with a net active service of 1 year, 11 months, and 25 days with service in Vietnam from 29 June 1969 to 18 June 1970. Block 24 (Decorations, Medals, Badges, Commendations and Campaign Ribbons Awarded or Authorized) shows the following:

- National Defense Service Medal
- Vietnam Campaign Medal
- Vietnam Service Medal
- Army Commendation Medal
- Bronze Star Medal

4. A review of the applicant's record confirms he is eligible for an award and campaign credits that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. By regulation (AR 600-8-22), award of the Combat Action Badge is authorized from 18 September 2001 to a date to be determined. Retroactive awards of the Combat Action Badge are not authorized prior to 18 September 2001. The Soldier must be performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized. The Soldier must be personally present and actively engaging or being engaged by the enemy and performing satisfactorily in accordance with the prescribed rules of engagement.

6. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined that the applicant was not eligible for the Combat Action Badge (CAB). The applicant's period of service, from 28 June 1968 to 25 June 1970, occurred before the official establishment of the CAB. According to regulatory guidance, retroactive awards of the Combat Action Badge are not authorized for service prior to 18 September 2001. Therefore, the Board denies relief.
2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>
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:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

[REDACTED]

[REDACTED]

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records show he is authorized additional awards not annotated on his DD Form 214 for the service period ending 25 June 1970. As a result, amend his DD Form 214 to show:

- four bronze service stars to his already awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 600-8-22 (Military Awards) provides that on 2 May 2005, the Chief of Staff of the Army approved creation of the Combat Action Badge to provide special recognition to Soldiers who personally engage in or are engaged by the enemy. The Combat Action Badge may be awarded by any commander delegated authority by the Secretary of the Army during wartime or the Commanding General, U.S. Army Human Resources Command and will be announced in permanent orders. Requirements for

award of the Combat Action Badge are branch and MOS (Military Occupational Specialty) immaterial. Assignment to a combat arms unit or a unit organized to conduct close or offensive combat operations, or performing offensive combat operations is not required to qualify for the Combat Action Badge. However, it is not intended to be awarded to all Soldiers who serve in a combat zone or imminent danger area. Any Soldier may be awarded the Combat Action Badge but they must meet specific eligibility requirements as follows

- a. The Soldier must be performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized.
- b. The Soldier must be personally present and actively engaging or being engaged by the enemy, and performing satisfactorily in accordance with the prescribed rules of engagement; but the Soldier must not be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge or the Combat Medical Badge.
- c. The Combat Action Badge may be awarded to members from the other U.S. Armed Forces and foreign Soldiers assigned to a U.S. Army unit, provided they meet these criteria.
- d. Award of the Combat Action Badge is authorized from 18 September 2001 to a date to be determined. Retroactive awards of the Combat Action Badge are not authorized prior to 18 September 2001. The Soldier must be performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized. The Soldier must be personally present and actively engaging or being engaged by the enemy and performing satisfactorily in accordance with the prescribed rules of engagement.

3. Department of the Army Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//